

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18110 of 2017

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Executive Director East , Food Corporation of India, 10A Middleton Road,
Kolkata-700071.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Labour & Employment, New Delhi.
2. The Department of Pay and Accounts, Government of India, New Delhi.
3. The Regional Labour Commissioner Central, Patna-cum-Appellate Authority under the Payment of Gratuity Act, 1972, Maurya Lok Complex, 2nd Floor, Patna-800001.
4. The Assistant Labour Commissioner Central-cum-Controlling Authority under the Payment of Gratuity Act, Maurya Lok Complex, 2nd Floor, Patna-800001.
5. Arjun Trivedi son of late Rajeshwar Trivedi Resident of Village and PO - Jamshari, Police Station - Bind, District - Nalanda at present residing at Mohalla Shivpuri, Road No. 1A, House No. 3, Police Station - Shastri Nagar, District - Patna - 800023.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Prabhakar Tekriwal, Adv.
For the UOI	:	Mr. Satyavrat Verma, CGC
For the Respondents	:	Mr. Dhananjay Chaubey, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

5 05-07-2019 Heard learned counsel for the parties.

In this case, the petitioner is challenging the order dated 6/14.10.2015 passed by the Controlling Authority under the Payment of Gratuity Act, 1972 in File No. 48/1(18)/2014/ALC-1, whereby and whereunder, a direction has been given for payment of gratuity to the tune of Rs. 5,21,325/-.

It appears that the petitioner has not availed the available alternative remedy of appeal. In that view of the



matter, in terms of Section 7(7) of the Payment of Gratuity (Central) Rules, 1972, the petitioner must exhaust the forum of appeal and if the order goes against him, he will be at liberty to take any legal course as is available in law.

If the petitioner deposits the amount, excluding what he has already been paid, and files an appeal within a period of thirty days from today, in that event, the Authority will not release the same till disposal of the appeal.

It is also made clear that if the appeal is not filed within a period of 30 days from today, in that circumstances, the Authority will be at liberty to take steps for recovery of the said amount.

While considering the issue of limitation, the Authority will take into consideration the pendency of this writ application before this Court.

This writ application is, accordingly, disposed of.

(Shivaji Pandey, J)

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